

11-06-02

RCG 11/06/02
3600S #21
PATENT

Attorney's Docket No. ROCKCO P32AUSRI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In reapplication of: Angelo SPERANZA
Application No.: 09/928,546 Group No.: 3652
Filed: August 13, 2001 Examiner: Thuy Van Tran
For: FOOD DISPENSING CYCLE AND MEANS

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED
NOV 08 2002

GROUP 3600

REQUEST FOR CONTINUED EXAMINATION (RCE)
(37 C. F. R. § 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application.

WARNING: 35 U.S.C. § 132(b) and § 1.114 provide for the continued examination of an application and not examination of a continuing application). Accordingly, the Office will not permit an applicant to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868. "

WARNING: A continued examination request cannot be made if at least one office action under 35 U.S.C. § 132 or a notice of allowance under 35 U.S.C. § 161 has not been mailed. The provisions of 37 CFR 1.114 also do not apply (1) to a provisional application; (2) an application for a utility or plant patent filed under 35 U.S.C. § 111(a) before June 8, 1995; (3) an international application filed under 35 U.S.C. § 363 before June 8, 1995; (4) a patent under reexamination or (5) an application for a design patent. 37 CFR § 1.114(d).

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) AND 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

Mailing

deposited with the United States Postal Service in an envelope addressed to the Assistance Commissioner for Patents, Washington, D.C. 20231
37 C.F.R. § 1.8(a)

with sufficient postage as first class mail. as "Express Mail Post Office to Addressee"

37 C.F.R. § 1.10*
Mailing Label No. EV 149846425 US
(mandatory)

TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) _____.

Michael J. Bujold
Signature

Michael J. Bujold

(type or print name of practitioner)

DATE: November 4, 2002

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

11/07/2002 AWONDAF1 00000075 09928546

(Request for Continued Examination (RCE) (37 C.F.R. § 1.114) [9-64] -- page 1 of 5)

| | | |
|------------|--------|----|
| 01 FC:2801 | 370.00 | OP |
| 02 FC:2201 | 252.00 | OP |
| 03 FC:2202 | 189.00 | OP |

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NOTE: There is no limit to the number of times the fee for continued examination may be submitted. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

NOTE: Unlike a continuation application, a continued examination request can utilize the mailing procedure of 37 CFR 1.8. See 37 CFR § 1.8(a)(2)(i)(A).

TIME REQUEST IS BEING MADE

2. This request is being submitted (check appropriate item(s) below):

- i. Prior to abandonment of the application
- ii. Payment of the issue fee
 - Prior to payment of issue fee
 - Issue fee has been paid but a petition under § 1.313 has been granted
- iii. Prior to a decision on appeal to the Board of Patent Appeals & Interferences
 - A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.

NOTE: If such a notice is not sent to the Board then may refuse to vacate a decision rendered after the filing of the RCE but before recognition by the Office of the RCE request under § 1.114.

- IV. Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. § 145 or Commencement of a civil action under 35 U.S.C. § 146
 - Prior to the filing of such appeal or commencement of civil action
 - Such appeal or commencement of civil action has been terminated

ENCLOSURES

3. Enclosed herewith is/are:

WARNING: If reply to a final or non-final Office action under 35 U.S.C. § 132 is outstanding, the submission must meet the reply requirements of § 1.111. 37 C.F.R. § 1.114(b).

- An information disclosure (37 C.F.R. § 1.98)
 - Form PTO-1449 (PTO/SB/08A and 08B)
- An amendment
- New arguments
- New evidence in support of patentability
- Other: Submission of Proposed Dwg Amendment w/Dwgs (Figs. 2 & 3) and Submission of Formal Dwgs w/Formal Dwgs (Figs. 2 and 3)

FEE FOR REQUEST (37 C.F.R. § 1.17(e)).

4. This application is on behalf of:

- Small entity (and status is still as small entity) \$370.00
- Other than a small entity \$740.00

Continued Prosecution Request Fee \$ 370.00

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FEE FOR CLAIMS

NOTE: "The fee for continued examination under § 1.114 (§ 1.17(e)) does not include additional claims fee (cf. 1.53 (d)(3)(ii))." See Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

37 CFR 1.53 (d)(3): "The filing fee for a continued prosecution application filed under this paragraph is:

(i) The basic filing fee as set forth in § 1.16; and
Any additional § 1.16 fee due based on the number of claims remaining in the application after entry of any amendment accompanying the request for an application under this paragraph and entry of any amendments under § 1.16 unentered in the prior application which applicant has requested to be entered in the continued prosecution application."

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

| (Col. 1) | (Col. 2) | (Col. 3) | SMALL ENTITY | | | | OTHER THAN | | |
|--|----------|-------------|---------------------------------------|-----------------------|------|--------------|------------------------|--------|--------|
| | | | HIGHEST NO. PREVIOUSLY PAID FOR | PRESENT EXTRA RATE | FEES | ADDIT. OR | RATE | FEES | ADDIT. |
| TOTAL 41 | * | MINUS ** 20 | = 21 | x \$9= | \$ | | x \$18= | \$ 189 | |
| INDEP. 9 | * | MINUS *** 3 | = 6 | x \$42= | \$ | | x \$84= | \$ 252 | |
| <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | | | | | | |
| | | | | TOTAL ADDIT. FEE | \$ | OR | TOTAL ADDIT. FEE | \$ 441 | |

* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

** If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid for" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid for" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: See 37 C.F.R. § 1.116.

(complete (a) or (b), as applicable)

(a) No additional fee is required.

OR

(b) Total additional fee required is \$ 441

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EXTENSION OF TIME

(If an extension of time is appropriate complete (a) or (b), as applicable)

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

NOTE: 37 C.F.R. § 1.704(b) "....an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."

(a) Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

| Extension for (months) | Fee for other than <u>small entity</u> | Fee for <u>small entity</u> |
|---------------------------------------|---|--------------------------------|
| <input type="checkbox"/> one month | \$ 100.00 | \$ 55.00 |
| <input type="checkbox"/> two months | \$ 400.00 | \$ 200.00 |
| <input type="checkbox"/> three months | \$ 920.00 | \$ 460.00 |
| <input type="checkbox"/> four months | \$1,440.00 | \$ 720.00 |

FEE:\$ _____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for _____ months has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

(b) Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE(S) DUE

WARNING: The fee for continued examination under § 1.114 may not be deferred. 37 C.F.R. § 1.53(f).

7. The total fee(s) due is/are:

Continued Prosecution Fee (§ 1.17(e)) \$ 370 _____

Fee(s) for additional claims (if any) (§ 1.16(b)-(d)) \$ 441 _____

Extension of time fee (if any) (§ 1.17(a)(1)-(4)) \$ -0- _____

Total Fee(s) Due \$ 811 _____

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PAYMENT OF FEE(S) DUE

8. Please pay the fee(s) for this continued examination application as follows:

- Check is attached for the sum of \$ 811
- Charge Account No. 04-0213 the sum of \$
- Charge Credit Card the sum of \$
(Credit Card Payment Form (PTO-2038) attached)

Please charge any required additional fee(s) for § 1.17(e), § 1.16(b)-(d) and/or § 1.17(a)(1)-(4) to

- Account 04-213
- Credit Card (Credit Card Payment Form (PTO-2038) attached).

INVENTORSHIP

NOTE: Any change of Inventors must be via the procedure set forth in 37 CFR § 1.48. See Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

9. This application as amended names as inventors:

- the same inventors as previously designated for the claims.
- fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.
- a person not named previously as an inventor and a petition under 37 C.F.R. § 1.48 is/has separately:
 - being filed
 - been filed

DEFERRAL OR EXAMINATION

10. A request for deferral of examination accompanies this request for continued examination.

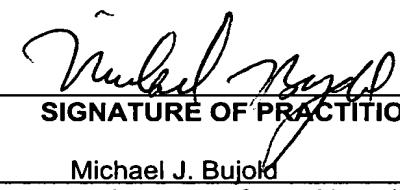
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Date: November 4, 2002


SIGNATURE OF PRACTITIONER

Michael J. Bujold
(type or print name of practitioner)

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